

CASE 3047.ENC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

TRKSAKL, ET AL.

S.N. 10/651,670

FILED: 08/29/2003

FOR: SAGO-BASED GELLING

STARCHES

Group Art Unit: 1794

EXAMINER: KELLY J MAHAFKEY

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

DECLARATION UNDER RULE 132 (37 C.F.R. §1.132)

Sir:

I, Ralph M. Trksak, a citizen of the United States, currently residing at 125 South 16th Avenue, Manville, NJ 08835 declare as follows.

I am familiar with the issues raised in this case.

I graduated from the State University of New York (SUNY, Stony Brook, New York) in 1971 with a Bachelor of Science degree in Chemistry.

From 1972 to 1978, I worked as a Laboratory Manager for Timmons & Charles, Inc. in Linden, New Jersey. Since 1978, I have worked at National Starch and Chemical Company (NSC) in a variety of roles within the Natural Polymer division. I am currently the Manager of Technology for the Cereal

Science group. My work at NSC has been primarily in the field of starch, and is particularly directed towards the research and development of new modified starch products which provide novel and unique functional benefits in target applications, such as in food. To do this I have utilized my strong knowledge of traditional modified food starch chemistries as outlined in the US Code of Federal Regulation, 21CFR172.892. In addition, I also have explored the use many new and non-traditional starch sources, such as sago, in combination with both traditional and innovative chemistries in my research work. Overall, my work has given me a strong background in the development and use of novel starch bases and traditional modifications for a variety of applications and functionalities.

I am the inventor of thirty-one (31) U.S. patents or applications and numerous non-US patents and applications. I have published in various trade and peer-reviewed journals and have presented at trade shows and to the industry.

The experiments below were conducted under my supervision and guidance to demonstrate that the starches of US 2002/0102344 (Hanchett) differ from those of the present invention.

Materials

Sample A – Native sago starch was converted to a Brabender viscosity of between 400 and 1000 Brabender units (as can be seen from Table 1, below, the viscosity was towards the lower end). This is the base starch of the above-identified application, which would then be crosslinked and pregelatinized.

Sample B – Native sago starch was crosslinked with 0.016% POCl_3 and then converted to give a water fluidity of 73. This is the closest starch of the Hanchett reference (US 2002/0102344).

Note: As the relevant (claimed) viscosity measurements are on the converted material, Sample A must have the Brabender measurements taken prior to any inhibition and Sample B must have the Brabender measurements taken after inhibition due to the order of processing. However, a Brabender viscosity was taken of Sample A after it was further crosslinked using 0.016% POCl_3 ; the resultant peak viscosity was about 800 BU.

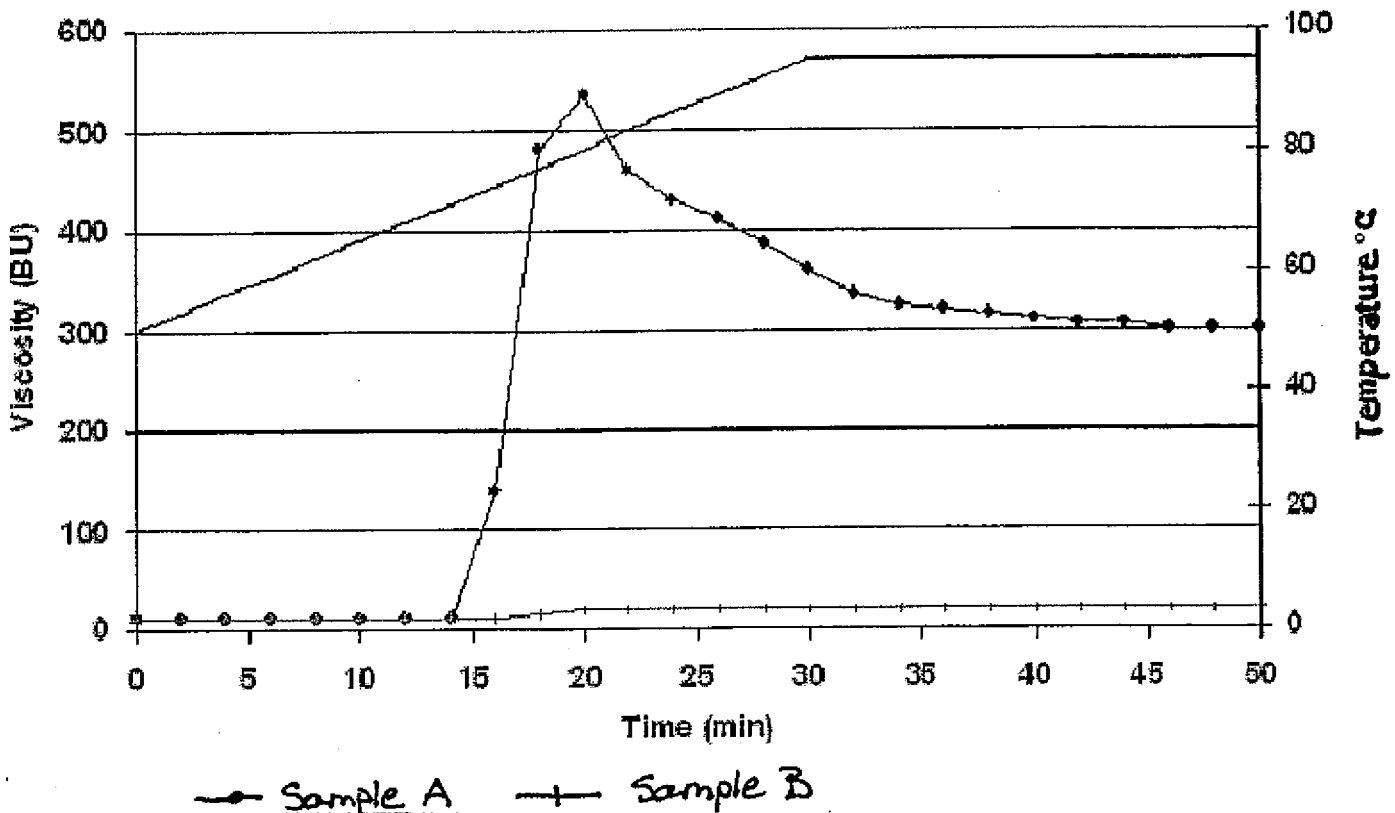
Testing

The Brabender test described in the patent application at page 13, paragraph [0057] was used to measure viscosity.

Results

The viscosity profiles of the two starches are reported in Table 1, below.

Table 1



Conclusions

It is clear that the starch of the Hanchett patent does not result in a Brabender viscosity of 400 to 1000 BU and therefore differs from the starch of the present application. The Hanchett starch has a significantly lower viscosity as it has a moderate to high water fluidity (40-80). In contrast, the starch of the present invention is inhibited after it is converted and has a significantly higher viscosity.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by a fine or imprisonment or both under 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Bridgewater NJ, this 3/28/08
location date

Ralph Trksak
Ralph Trksak

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